



STATE OF CONNECTICUT

OFFICE OF THE
PROBATE COURT ADMINISTRATOR

PAUL J. KNIERIM, JUDGE
Probate Court Administrator

THOMAS E. GAFFEY
Chief Counsel

HELEN B. BENNET
Attorney

DEBRA COHEN
Attorney

186 NEWINGTON ROAD
WEST HARTFORD, CT 06110

TEL (860) 231-2442
FAX (860) 231-1055

To: Senate Co-Chair Theresa Gerratana
House Co-Chair Diana S. Urban
Senate Ranking Member Joseph Markley
House Ranking Member Terrie Wood
Honorable Members of the Children's Committee

From: Paul J. Knierim
Probate Court Administrator

Re: RB 1043, AAC Access to Records of the Department of Children
and Families

Date: March 1, 2011

The Office of the Probate Court Administrator supports adoption of this bill with the changes described in this testimony.

The bill would specify the circumstances under which DCF may disclose confidential information to courts and other agencies. It authorizes DCF to disclose case information to probate courts, which is essential in light of DCF's statutory role in several types of children's cases over which probate courts have jurisdiction. We believe that the language of the bill should be broader.

We offer the following substitute language to subsection 14 of C.G.S. § 17a-28(g):

(14) A judge or employee of a probate court who in the performance of such judge's or employee's duties require access to such records;

The proposed change is critically important for two reasons. First, the proposed revision would permit DCF to disclose all relevant information to probate courts. As drafted, the proposed bill is unduly restrictive because it permits DCF to disclose only those records that are necessary in the preparation of an

investigation report. This could prohibit DCF from providing probate courts with additional information that is discovered after the report is filed. It could also preclude DCF from disclosing any information in cases that do not require an investigation report, such as voluntary service matters under C.G.S. § 17a-11.

Second, the proposed change would authorize disclosure to staff as well as judges. Court employees are the representatives of the court for communications with DCF and are responsible for preparing the file for the judge. In the five regional children's probate courts, specially trained Probate Court Officers conduct case conferences with family members and DCF staff. Their responsibilities also include participation in probate court hearings and follow-up on cases. Permissible disclosure to court staff is a practical necessity so that they are able to perform their duties.

We are also concerned that the proposed language of C.G.S. § 17a-28(d) restricts the ability of a court to disclose information received from DCF to others without a court order. To obviate a disclosure order in each case, we suggest that subdivision (d) also permit disclosure as permitted under the statute that governs the disclosure of confidential information by probate courts. Sections 9 and 10 of probate administration's agency bill, HB 6438, AAC Probate Court Operations, contain an update to those provisions.